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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,680	07/30/2003	Kristian Hammond	08803-024	6562

7590 04/06/2007  
McDERMOTT, WILL & EMERY  
600 13th Street, N.W.  
Washington, DC 20005-3096

EXAMINER
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ALI, MOHAMMAD

ART UNIT	PAPER NUMBER
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2166

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/629,680

Applicant(s)

HAMMOND ET AL.

Examiner

Mohammad Ali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9,12,13 and 30-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9,12,13 and 30-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/17/07</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 1/17/07 has been entered.

#### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-9, 12, 13, and 30-35 are rejected under 35 U.S.C. 101 because machine-execution being considered as transmission media (see specification page 0058), see MPEP 2106.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-9, 12, 13, and 30-35 rejected under 35 U.S.C. 102(a) as being anticipated by Jay Budzik ('Budzik' hereinafter), "User Interactions with Everyday Applications as Context for Just-in-time Information Access".

With respect to claim 1,

Budzik teaches an adaptive method for obtaining representative text items from a plurality of text items in an active task being accessed by a user on a data processing each of the plurality of text items having a plurality of attributes (Fig. 1MA), the method comprising the machine-executed steps of:

receiving information related to the plurality of text items in the active task being accessed by the user (para. 4.1, Budzik);

for each of the plurality of text items in the active task being accessed by the user, identifying each of the plurality of attributes based on the received information related to the plurality of text items (paras. 4.4, 7, Budzik);

for each of the plurality of text items in the active task being accessed by the user, assigning a weight to each of the plurality of attributes, wherein at least two of the plurality of attributes are assigned different weights (para. 4.2, Budzik);

for each of the plurality of text items in the active task being accessed by the user, calculating an accumulated weight by accumulating the weight assigned to each of the plurality of attributes (para. 4.1, Budzik);

ranking the plurality of text items in the active task being accessed by the user based on the accumulated weight of each of the plurality of text items (para. 4.1, Budzik); and

generating the representative text items based on a result of the ranking step (para. 3, Budzik);

wherein the active task is a task other than entering search terms for the purpose of retrieving information (para. 2, Budzik).

Claims 6-9, 12, and 13 have the same subject matter as of claims 1-5 except processor for processing data machine readable storage medium and Budzik teaches at Fig. 1MA et seq. and essentially rejected for the same reasons as discussed above.

As to claim 2,

Budzik teaches wherein the plurality of attributes includes at least one of style, font size, and location of the text item (para. 4.1, Budzik).

As to claim 3,

Budzik teaches wherein a weight assigned to a word is increased in response to the word being located in a specific region (para. 1 Budzik).

As to claim 4,

Budzik teaches wherein the specific region is an active window being viewed by a user or a region selected by the user (para. 3, Budzik).

As to claim 5,

Budzik teaches forming a plurality of search terms based on a result of the ranking step (para. 4.1, Budzik).

As to claim 30,

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Budzik teaches including the step of determining properties of the active task; wherein the assigned weight is tunable based on the properties of the active task (para. 4.4, Budzik).

As to claims 31, 33, and 35

Budzik teaches wherein the properties of the active task include at least one of application software being employed to perform the active task, the type or genre of the active task, attributes related to the user manipulating the active task, properties of an information source on which a search will be conducted, and the state of the active task (paras. 2.2, 4.1, 4.4, 3, Budzik).

As to claim 32,

Budzik teaches wherein: the instructions, when executed by the data processor, further control the data processing system to determine properties of the active task; and the assigned weight is tunable based on the properties of the active task (para. 4.1, Budzik).

As to claim 34,

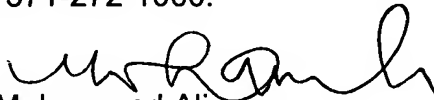
Budzik teaches wherein: the instructions upon execution by a data processing system cause the data processing system to determine properties of the active task; and the assigned weight is tunable based on the properties of the active task (para. 5, Budzik).

***Contact Information***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is (571) 272-4105. The examiner can normally be reached on Monday-Thursday (7:30 am-6:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Mohammad Ali  
Primary Examiner  
Art Unit 2166

MA  
March 30, 2007